

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:07-HC-2020-D

UNITED STATES OF AMERICA,)
Petitioner,)
v.) MEMORANDUM IN SUPPORT OF
WAYNE ROBERT HICKS,) MOTION TO DISMISS
Respondent.) CERTIFICATION OF A SEXUALLY
DANGEROUS PERSON

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby moves to dismiss the certification of a sexually dangerous person entered in the above-captioned matter, and in support thereof shows onto this Honorable Court:

1. The United States, pursuant to lawful procedures, certified the Respondent as a sexually dangerous person under 18 U.S.C. § 4248 on January 12, 2007. (D.E. #1).

2. On May 26, 2005, respondent's term of supervised release was revoked and respondent sentenced to 24 months' imprisonment upon a judicial finding that respondent admitted that he violated the terms of his supervised release. See Exhibit 1 - Judgment in revocation hearing held in United States v. Wayne Robert Hicks, Criminal Number 1:99-CR-210-001-WS(S.D. Ala. May 26, 2005). Respondent is no longer subject to a term of supervised release.

3. Upon a more detailed review of the Respondent's condition, and factors particular to this case, the United States concludes that it will not be able to meet its burden of proving by

clear and convincing evidence that respondent will, based on a serious sexual abnormality or mental disorder, have serious difficulty in refraining from engaging in sexually violent conduct or child molestation.

4. Therefore, the United States hereby moves to dismiss the Certification of a Sexually Dangerous Person entered in the above-captioned matter and the case.

Respectfully submitted, on this 27th day of July 2011.

THOMAS W. WALKER
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CERTIFICATE OF SERVICE

This is to certify that I have on this 27th day of July 2011, served the foregoing memorandum in support of Petitioner's motion to dismiss upon counsel for the respondent by CM/ECF addressed to:

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